

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WALKER DIGITAL, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-cv-98 (GMS)
)	
PAYNEARME INC., et al.,)	
)	
Defendant.)	
_____)	

ORDER

WHEREAS, on January 16, 2013, Walker Digital, LLC ("Walker") filed a complaint against PayNearMe Inc., et al. ("PayNearMe") alleging infringement of U.S. Patent No. 6,381,582 ("582 patent") (D.I. 1);

WHEREAS, on March 11, 2013, PayNearMe filed a motion to dismiss for failure to state a claim arguing that the '582 patent claims an unpatentable abstract idea (D.I. 11 and D.I. 12);

WHEREAS, on March 28, 2013, Walker filed an opposition to PayNearMe's motion to dismiss (D.I. 16);

WHEREAS, on April 8, 2013, PayNearMe filed a reply to Walker's opposition brief (D.I. 19);

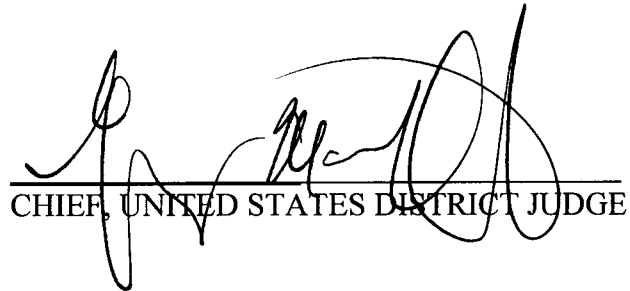
WHEREAS, on October 4, 2013, PayNearMe filed a notice of subsequent authority in support of the defendants' motion to dismiss (D.I. 21), and on October 9, 2013, Walker filed a similar notice of subsequent authority in support of its position (D.I. 22);

WHEREAS having considered PayNearMe's motion to dismiss for failure to state a

claim, the parties' submissions in connection with the motion to dismiss, and the relevant law, the court concludes that PayNearMe's motion to dismiss should be denied;

IT IS HEREBY ORDERED that PayNearMe's motion to dismiss for failure to state a claim is DENIED.

Dated: December 6, 2013



CHIEF, UNITED STATES DISTRICT JUDGE